

21-CV-1466

CHEN, J.
MANN, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Clerk's Office

Filed Date:

(by email) 3/17/2021 5:50 PM

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN OFFICE

HANA AGARROUJ

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

THE GOODKIND GROUP, LLC,
PRADA USA CORP.,

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|---------------------------------|
| Name | <u>HANA AGARBOUJ</u> |
| Street Address | <u>121 FERRY ST, APT #8</u> |
| City and County | <u>NEWARK, NJ ESSEX COUNTY</u> |
| State and Zip Code | <u>NEW JERSEY, 07105.</u> |
| Telephone Number | <u>929-246-8513.</u> |
| E-mail Address | <u>HANA-AGARBOUJ@HOTMAIL.FR</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------|---|
| Name | <u>THE GOODKIND GROUP, LLC</u> |
| Job or Title (if known) | <u>EXECUTIVE RECRUITER</u> |
| Street Address | <u>275 MADISON AVE, 5TH FL</u> |
| City and County | <u>NEW YORK CITY</u> |
| State and Zip Code | <u>NEW YORK, 10016</u> |
| Telephone Number | <u>212-969-8497</u> |
| E-mail Address (if known) | <u>UNKNOWN.</u> |

Defendant No. 2

| | |
|----------------------------|---------------------------------|
| Name | <u>PRADA USA CORP,</u> |
| Job or Title (if known) | <u>HIGH END FASHION BRAND.</u> |
| Street Address | <u>609 W 51ST ST</u> |
| City and County | <u>NEW YORK CITY</u> |

State and Zip Code NEW YORK, 10019
Telephone Number 212-307-9300
E-mail Address (UNKNOWN)
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name PRADA USA CORP.
Street Address 609 W 51ST ST
City and County NEW YORK CITY
State and Zip Code NEW YORK 10019
Telephone Number 212-307-9300

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (*specify the federal law*):

UNSURE

- ☐ Relevant state law (*specify, if known*):

UNSURE

- ☐ Relevant city or county law (*specify, if known*):

UNSURE.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☒ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.
☒ Retaliation.
☐ Other acts (*specify*): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

- B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

MARCH, 2018; JULY 12, 2018; NOVEMBER 2018; FEBRUARY 6/7, 2019.

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☒ national origin _____
☐ age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
☐ disability or perceived disability (specify disability) _____

E. The facts of my case are as follows. Attach additional pages if needed.

I WAS CALLED A FOREIGNER by PREVIOUS COLLEAGUE, PRI SKILL LAPA (MS. LAPA), I WAS TOLD by MS. LAPA "WHAT DO YOU KNOW?, you ARE JUST A FOREIGNER". I WAS TOLD my ACCENT WAS EMBARRASSING. MS. LAPA EXPRESSED HER DISDAIN TO THE DEPARTMENT COORDINATOR "TODD HARTLEY" SAYING THAT IT WAS BEST THAT PRADA GETS RID OF HANA (PLAINTIFF) AND REPLACES HER WITH SOMEONE ELSE. I FELT TARGETED, UPSET AND KNEW THAT MS. LAPA WILL INFLUENCE MANAGEMENT TO TERMINATE MY EMPLOYMENT.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

I HAD EXPLAINED TO MY THEN-MANAGER GINA FERRARA THAT THAT MS. LAPA HAD RUDELY CALLED ME A FOREIGNER ON SEVERAL OCCASIONS AND HAD INFORMED HER THAT MS. PRISCILLA LAPA HAD EXCHANGED INTERNAL MESSAGES VIA A MESSAGING CHAT COMPANY SOFTWARE ASKING THE DEPARTMENT COORDINATOR THAT IT WOULD BE BEST IF PRADA GETS RID OF ME AND GETS SOMEONE ELSE TO REPLACE ME, I WAS TOLD BY THE MANAGER GINA TO SIMPLY IGNORE HER WHICH WAS SHOCKING TO ME, I WAS INFORMED BY THE SAME MANAGER TO SIMPLY IGNORE THE MATTER. I DID EXPLAIN TO MY THEN-MANAGER THAT I DID NOT WANT THIS DISCRIMINATORY AND HOSTILE WORK ENVIRONMENT TO CONTINUE ANY FURTHER THAN THIS. I HAD REQUESTED THAT THIS MATTER GETS ESCALATED TO ALICIA CARBONE, VICE PRESIDENT OF E-COMMERCE, BUT, MS. GINA REJECTED MY REQUEST. I, THEN REQUESTED AGAIN THAT THIS MATTER TO BE BROUGHT TO THE ATTENTION OF MARK WILEY, THEN-HUMAN RESOURCES DIRECTOR AND MS. FERRARA WAS AGAIN RELUCTANT TO RELAY MY COMPLAINT, I INSISTED AT LEAST THREE TIMES BEFORE MS. FERRARA BEGRUDGINGLY AGREED. THE NEXT DAY, MS. FERRARA INFORMED ME THAT SHE ADVISED HUMAN RESOURCES ABOUT THE DISCRIMINATORY SITUATION AND SAID THAT THE MATTER WOULD HAVE TO BE RESOLVED "INTERNALLY" WITHIN HER DEPARTMENT. THEN-MANAGER OFFERED NO RESOLUTION AND SUGGESTED THAT THE MATTER BE DROPPED. IN OR ABOUT NOV 2018, I WAS PERFORMING A NIGHT SHIFT WHICH STARTS AT 3PM. TO MIDNIGHT, MY MEAL BREAK WAS SCHEDULED TO BE TAKEN IN THE MIDDLE OF THE SHIFT (7PM) LIKE EVERY OTHER SHIFT, YET, MS. LAPA WITH NO AUTHORITY, DIRECTED ME TO TAKE MY SHIFT AT 5PM BECAUSE SHE WANTED TO LEAVE ONE HOUR AHEAD OF TIME, I DID EXPLAIN THAT TAKING MY BREAK AT 5PM WAS TOO EARLY FOR ME BUT AGREED TO DO SO THIS TIME ONLY S/ UNLESS THE MANAGER DIRECTS ME TO DO SO, I WAS THEN CALLED

A "FUCKING FOREIGNER", I FELT HUMILIATED, INSULTED, HATED, AND UNWANTED, I BEGAN TO CRY.

I BECAME EVEN FURTHER ISOLATED AND IGNORED IN THE WORKPLACE. I WAS OFTEN EXCLUDED FROM CORPORATE TRAININGS AND SOCIAL EVENTS THAT HAD TAKEN PLACE INSIDE THE CORPORATE BUILDING. LEFT WITH NO ALTERNATIVES, IN FEBRUARY 6, 2019, I WENT TO PRADA HUMAN RESOURCES DEPARTMENT AND ASKED TO SPEAK TO SOMEONE REGARDING AN EMPLOYEE ISSUE. AMANDA ALETRAS, HUMAN RESOURCE DIRECTOR, I DESCRIBED THE ONGOING DISCRIMINATORY AND RETALIATORY TREATMENT AND EXPLICITLY STATED THAT I'M GETTING BULLIED AND DISCRIMINATED AGAINST. MS. ALETRAS ASSURED ME THAT SHE WOULD CONDUCT AN INVESTIGATION. HOWEVER, NO INVESTIGATION WAS CONDUCTED. I FEARED RETALIATION, I FELT COMPELLED TO AGAIN COMPLAIN ABOUT THE DISCRIMINATION IN THE WORKPLACE TO GOODKIND EXPLAINING ALL THE PREVIOUS EVENTS, I SENT AN EMAIL TO MY RECRUITER AND HER BOSS, RESPECTIVELY, JACKIE KEEGAN, BETH JULISH-FLEISCHMAN, I DID EXPLAIN IN MY EMAIL THAT THE HOSTILE WORK ENVIRONMENT IS BECOMING AN EVERYDAY HABIT AND ADDED THERE WAS A CHANGE IN BEHAVIOR FROM A FEW TEAM MEMBERS AND WAS TREATED AS A FOREIGNER AND NOT BEING PART OF THE TEAM. I SPOKE TO JACKIE KEEGAN AND BETH IN CONFERENCE PHONE CALLS ON SEVERAL OCCASIONS TELLING THEM HOW I FELT WHILE CRYING, I KINDLY REQUESTED THAT THIS MATTER BE BROUGHT TO HUMAN RESOURCES AT PRADA, INSTEAD OF BEING GIVEN IMMEDIATE ASSISTANCE, I WAS TOLD BY MS. FLEISCHMAN TO SIMPLY FIND ANOTHER JOB AND IF I DO REPORT THIS MATTER ANY FURTHER, I COULD BE LET GO AND LOSE MY JOB. I WAS REMINDED BY MS. FLEISCHMAN THAT I WAS ONLY AN EMPLOYEE AT WILL. IN FEBRUARY 7TH 2019, I RECEIVED A PHONE CALL FROM MS JACKIE KEEGAN AFTER I HAD FINISHED PERFORMING MY LAST SHIFT THAT

MY ASSIGNMENT AT PRADA HAS ENDED, EFFECTIVE IMMEDIATELY.
I WAS VERY SHOCKED AT THE BLATANT RETALIATION.

I WAS TREATED WITH A MENTAL HEALTH PROFESSIONAL FOR SEVERE
EMOTIONAL DISTRESS. I HAVE BEEN DIAGNOSED WITH DEPRESSION
AND HAVE EXPERIENCED ANXIETY, PANIC ATTACKS, LOSS OF SLEEP
AFTER HAVING RECEIVED THREATS AND WAS ALMOST FORCED TO
SIGN A LEGAL DOCUMENT ISSUED BY PRADA.

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)
-

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

SEPTEMBER 22nd, 2020.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I'M KINDLY SOLICITING THE NEW YORK FEDERAL COURT
TO GRANT ME A REASONABLE AMOUNT OF FUNDS
DUE TO ALL THE EMOTIONAL DISTRESS I HAD EXPERIENCED
FOR ALMOST A YEAR OF INJUSTICE.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/21, 2020

Signature of Plaintiff



Printed Name of Plaintiff

HANA ABARBOUL

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Hana Agarrouj**
121 Ferry Street, Apt 8
Newark, NJ 07105

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2019-05121

Holly M. Shabazz,
State & Local Program Manager

(929) 506-5316

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



September 22, 2020

Enclosures(s)

Judy A. Keenan,
District Director

(Date Mailed)

cc:

Director of Personnel
PRADA USA CORP.
610 West 52nd Street
New York, NY 10019

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – *not* 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.